

If project emissions are **below the “de minimis” levels** and less than 10% of the emissions inventory for the non-attainment or maintenance area, then:

- **Further general conformity analysis is not required.**

If project emissions are **above the “de minimis” levels**:

- **A conformity determination for the area must be made.**

A conformity determination can be made if facilities are sized to meet the needs of current population projections used in an **approved** State Implementation Plan (SIP) for air quality. Using population projections, applicants must **quantify** their description of how the proposed capacity increase was calculated.

NATIONAL HISTORIC PRESERVATION ACT

Section 106 of the NHPA requires federal agencies to take into account effects on historic properties caused by federal actions (such as funding SRF projects) and to provide the Advisory Council on Historic Preservation (ACHP) a reasonable opportunity to comment on such undertakings through consultation with the State Historic Preservation Officer (SHPO) and with interested Indian Tribes and individuals.

***USEPA has delegated to the State Water Board the responsibility for carrying out the requirements of Section 106 of the NHPA.**

Historic properties include:

- Archaeological sites.
- Historic era buildings.
- Traditional cultural properties.

Starting point for the 106 process:

Applicant's record search and cultural resource documents prepared for CEQA.

State Water Board's Cultural Resource Officer (CRO) requires:

- Copies of all original maps and studies for consultation with SHPO.

If your project has the potential to affect historic properties the consultation process can be quite lengthy. **Please contact the CRO early in your planning process to discuss what additional information may be needed for your specific project.**

Environmental Review Process Guidelines for State Revolving Fund Loan Applicants document provides additional information on the review process and can be found on the State Water Board's web site located at:

<http://www.waterboards.ca.gov/funding/srf.html>



SRF & CEQA-PLUS

Environmental Review for State Revolving Fund (SRF) Loan Applicants



- WHAT - WHY - HOW -

**State Water Resources Control Board
Division of Financial Assistance
November 2005**

WHAT IS CEQA-PLUS?

The SRF Loan Program is partially funded by the U.S. Environmental Protection Agency (USEPA) and subject to federal environmental regulations, including the Endangered Species Act (ESA), the National Historic Preservation Act (NHPA), and the General Conformity Rule for the Clean Air Act (CAA), among others. Federal agencies have their own policies on how they comply with federal environmental laws. Instead of the National Environmental Policy Act (NEPA), USEPA has chosen to use the California Environmental Quality Act (CEQA) as the compliance base for California's SRF Loan Program, in addition to compliance with ESA, NHPA and CAA. Collectively, the State Water Board calls these requirements CEQA-Plus. Additional federal regulations also may apply.

Lead Agency: **The Applicant**

Duties:

- Prepare, circulate and consider the environmental documents prior to approving the project.
- Provide the State Water Board with eight (8) copies of the applicant's CEQA documents.

Responsible Agency: **State Water Board, Division of Financial Assistance**

Duties:

- Acting on behalf of USEPA, review and consider the CEQA documents before approving the project's funding.

- Make findings as to the adequacy of the documents and require additional studies or documentation, as needed.
- Distribute the applicant's CEQA documents to selected federal agencies for review and comment before making a determination on adequacy. (This distribution is in addition to the standard State Clearinghouse distribution under CEQA.)

***The applicant must address all comments by federal agencies before funding is approved.**

ENDANGERED SPECIES ACT

Non-federal Representative (for all wastewater and water reclamation projects in California that involve an SRF loan):
State Water Board

State Water Board - Environmental Services Staff (ES) reviews SRF projects to determine potential effects on federally listed species.

Applicant Duties:

- At the earliest possible date, provide ES with:
 - **Species lists.**
 - **Biological assessments.**
 - **Other documents related to project effects on sensitive species.**
- Notify ES **early** during the planning process of any issues regarding sensitive species.

ES Duties:

- Confer informally with the U.S. Fish and Wildlife Service (USFWS) and/or National Marine Fisheries Service (NMFS), as necessary.
- Evaluate and inform USFWS/NMFS of project impacts to federally listed species.
- Ask USEPA to request formal consultation if ES, in conjunction with USFWS/NMFS, determines that a project will adversely affect a federally listed species.

***USEPA will act as the lead agency in the formal consultation process. In response to a formal request from USEPA, USFWS/NMFS may have up to 90 days to prepare a biological opinion. The process can last 135 days or longer.**

CLEAN AIR ACT

CAA general conformity analysis applies only to projects in areas:

- Not meeting National Ambient Air Quality Standards (NAAQS).
- Subject to a maintenance plan.

An analysis is necessary for each **criteria pollutant below** for which an area is considered as being in nonattainment or maintenance:

- | | |
|---------------------------|---------------------------------------|
| ▪ ozone | ▪ sulfur dioxide |
| ▪ carbon monoxide | ▪ lead |
| ▪ nitrogen dioxide | ▪ inhalable particulate matter |